

Town of Union
PLAN COMMISSION MONTHLY MEETING
Minutes of August 28, 2014

The Town of Union Plan Commission monthly meeting was called to order by Chairman Alvin Francis at 7:11 p.m. on Thursday, August 28, 2014 at the Evansville Fire Station, 425 Water St., Evansville, WI. Members in attendance included Chairman Francis, Bill Thomas, Eric Larsen, and Dave Pestor. Building Inspector Bob Fahey and Clerk Regina Ylvisaker were also in attendance. Member Ed Levin was absent.

Approve June 26, 2014 meeting minutes

Motion to approve the minutes of the June 26, 2014 meeting as written made by Larsen/Thomas. Motion carried by unanimous voice vote.

Public comment (5 minutes max. per issue)

Steve Doyle was in attendance to discuss his options regarding the lots he owns. He would like to realign the lot lines, and build a smaller home on the second lot. Bob Fahey stated he checked with Rock County and the second lot is buildable at this time; it was not previously buildable due to perk test issues. Rock County told Fahey they would treat a lot line realignment at their level as a sale between adjoining land owners. Both lots are RR, and the zoning would not change for either lot. The outlot does have a lot of lowland conservancy overlay on it, and therefore a residence could only be built on one portion of the lot. Although there would be no zoning change or land division, Fahey felt the issue should still come to the Town Board for their consideration with regard to removing the building restriction from the second lot to make the action official. The restriction was removed by the County but no action was taken by the Town at that time. Regina Ylvisaker will prepare a document similar to what was approved by the County, removing the building restriction, for the Board to consider and will add the item to the Board meeting agenda.

Review and discussion of changes and revisions to Chapters 16-Land Division & 17-Zoning

Combined with agenda item 4.

Review and discussion of Response to Request for Ordinance Certification from DATCP

The Commission reviewed the memo received from DATCP detailing remaining issues with the changes to Chapters 16 & 17, and discussed changes to address the issues.

1. P. 15, 17.05(2): The term "Local" is spelled wrong in the B-1 District.
Action: Correct spelling.
2. P. 17, 17.06(2)A: Agricultural uses include all sized livestock operations. If the town is going to regulate CAFO's as a conditional use, then it must differentiate these operations from the agricultural uses that are regulated as a permitted use.
Action: Defer decision on all CAFO issues until further information/opinion is received from Tom Sweeney.
3. P. 17, 17.06(D): This section should just state "One farm residence." Then in 17.06(3)(P) the ordinance should regulate nonfarm residence that meet s. 91.46(2).
Action: Make change to 17.06(D), cite State statute in 17.06(3)(P).
4. P. 17, 17.06(2)G: This is too vague and should be removed.
Action: Remove.
5. P. 18, 17.06(3)C.vi: Delete this provision and replace it with the requirement found in s. 91.46(6)(f).

- Action: Remove, replace with State statute citation.
6. P. 18, 17.06(3)F: These uses must meet s. 91.46(4).
Action: Insert State statute citation.
7. P. 18, 17.06(3)G: In order for these uses to be allowed in the district they must qualify as accessory uses and meet s. 91.01(1). However, accessory uses are already regulated as a permitted use. If the town wishes to have some accessory uses as permitted and others as conditional the ordinance needs to differentiate between them.
Action: Remove 17.06(3)(G).
8. P. 18, 17.06(3)L: These uses are already covered under (3)A so this provision can be deleted.
Action: Remove 17.06(3)(L).
9. P. 19, 17.06(3)H, K, M, & O: All of these uses are considered accessory uses and are covered under s. 91.01(1), which this ordinance already regulates as a permitted use. If the town wishes to have some accessory uses as permitted and others as conditional the ordinance needs to differentiate between them.
Action: Remove 17.06(3)(H), (K), (M), (O).
10. P. 19, 17.06(3)P: Any nonfarm residences allowed in a certified district must meet the requirements found in s. 91.46(2).
Action: Add State statute citation.
11. P. 19, 17.06(4): The 35 acre minimum lot size is no longer a statutory requirement. While the Town may keep this in the ordinance, you should be aware of some possible unintended consequences. Requiring a 35 acre minimum parcel could exclude CSA's and other smaller farming operations from benefitting from the tax credit. It may also result in larger parcels being created for non-farm residences than would be required under the statute.
Action: None taken, informational only.
12. P. 19, 17.06(5): This section should state that the Town must make the findings after a public hearing. It is also missing the requirement of s. 91.48(1)(c). Also, in the last paragraph, it states that the parcel with buildings "shall conform to the standard of the A-3 or A-4 District". Since those would not be the standards of a certified district, does this mean that the separated-buildings parcel must be rezoned to A-3 or A-4? Those parcels can't stay in the certified district unless they meet the standards of the certified district.
Action: Add State statute citation.
13. Please make sure that all the previous changes that cover pages 17-19 are also made to the corresponding provisions in the A-2 district.
Action: Make changes.
14. P. 21, 17.07(2): There is a lettering problem in this section. (H) is located between (C) and (D).
Action: Make corrections.
15. P. 33, 17.11(3): (A), (B), (C), (E) and (H) all need to meet the requirements found in either s. 91.46(4) or (5) if the underlying district is the A-1 or A-2 districts.
Action: Add State statute citation and language.
16. P. 71. 17.26(4)&(8): These contain a reference to an M-2 District but this district is not listed on the map or in the text on page 15.
Action: Change reference to M-1 District.

Larsen noted that non-metallic mining is a conditional use in the A1 & A2 zoning districts, which would now cover a gravel pit, which should therefore be removed from the Special Purpose district. Gravel pits should also be added as a conditional use to A3 zoning districts.

Agreed to address the issue by making the following change to 17.16(2):

- A. Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses; with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.
- B. Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other pavings or road surfacing or building materials. *Facilities for the production, mining, processing or storage of sand or gravel are specifically excluded from this section.*
- C. Airports open to the public, hangars, or accessory structures.
- D. Cemeteries when they comply with the provisions of §157.06, Wis. Stats.
- E. Race tracks.
- F. Sewerage treatment facilities.
- G. Accessory structures required by the principal use.
- H. Junkyards and automobile salvage yards.
- ~~I. Sand and gravel operations provided that the Town Board has approved restoration plans.~~

Larsen suggested tabling the livestock siting issue. Francis thinks the group needs to decide if they want any control over the livestock siting or not. Francis will try to get additional information from Tom Sweeney regarding the livestock siting issue prior to the next meeting.

Motion to table livestock siting discussion until next meeting made by Larsen/Pestor. Motion carried by unanimous voice vote.

Motion to send changes made to date to Chapter 17 to DATCP for review and comment made by Larsen/Thomas. Motion carried by unanimous voice vote.

Action Item: Recommendation to the Board acceptance of changes to Chapters 16-Land Division & 17-Zoning

N/A

Motion to adjourn made by Larsen/Thomas. Motion carried by unanimous voice vote. Meeting adjourned at 8:37 p.m.

Respectfully submitted by Clerk Regina Ylvisaker

Note: minutes are considered draft until reviewed and approved by the Plan Commission at a properly noticed meeting.